

BILL NO. Z-77-08- 32

ZONING MAP ORDINANCE NO. Z- 32-77

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. C9.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B 3 B District under the terms of Chapter
36, Municipal Code of the City of Fort Wayne, Indiana, 1946,
as amended by General Ordinance No. 2836 and amendments thereof;
and the symbols of the City of Fort Wayne Zoning Map No. C9,
referred to therein, established by Section 9, Article III
of said Chapter as amended, are hereby changed accordingly,
to-wit:

Lots 1 through 10, inclusive, in Kincaid
Addition to the City of Fort Wayne.

SECTION 2. This Ordinance shall be in full force
and effect from and after its passage, approval by the Mayor
and legal publication thereof.

Virvian G. Schmidt
Councilman

APPROVED AS TO FORM
AND LEGALITY,

Norman D. Bush
Associate CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by

Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 8-23-77

Charles W. Westerhouse
CITY CLERK

Read the third time in full and on motion by V. Schmidt,

seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~ADOPT~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 11-8-77

Charles W. Westerhouse
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 3-32-77 on the 8th day of November, 1977

ATTEST: (SEAL)

Charles W. Westerhouse
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th

day of November, 1977, at the hour of 11:45 o'clock A M., E.S.T.

Charles W. Westerhouse
CITY CLERK

Approved and signed by me this

10th

day of

November, 1977

at the hour of 10:00 o'clock

A

M., E.S.T.

Robert Schumacher
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 23, 1977, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-77-08-32; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

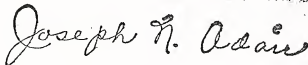
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 19, 1977.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 26, 1977.

Certified and signed this
28th day of October, 1977.



Joseph N. Adair
Secretary

Plotted
1. *Extent of expansion*
2. *zoning*
Held until Nov 8 -
Gary Baeten -

Bill No. Z-77-08-32

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. C9

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

Vivian G. Schmidt
William T. Hinga
Donald Schmidt
Samuel J. Talarico

11-8-77 CONCURRED IN
DATE 11-8-77 CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

Date Aug 1 77 19

No. **10017**

Received From Crescent Garage

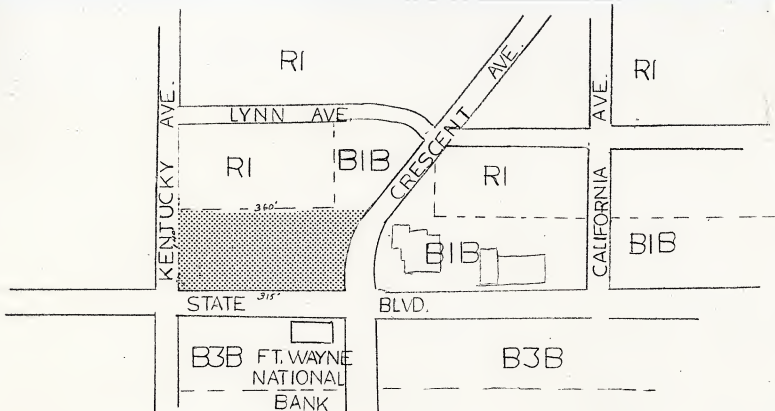
Address Fifty dollars Dollars 50.00


For Rescuing - lots #1 thru #10
Fincaud Cedar

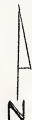
ACCOUNT		HOW PAID		
AMT. OF ACCOUNT	<u>50-</u>	CASH		
AMT. PAID	<u>50-</u>	CHECK	<u>#6018</u>	
BALANCE DUE		MONEY ORDER		

Dr

CITY PLAN COMMISSION
CITY-COUNTY BUILDING
FORT WAYNE, INDIANA 46802



 REZONE FROM BIB TO B3B
MAP NO. C9



BY MFC

8-6-77

2-77-08-32

~~XX~~/We Nicholas P. Cozmas, Dr. Elvan G. Whiteleather,
Lee Harges and Earl M. Kinnison
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of
Fort Wayne, Indiana, by reclassifying from a ~~XX~~ "B1B" District
to a ~~XX~~ "B3B" District the property described as follows:

Lots 1 through 10, inclusive, in Kincaid Addition to the City of
Fort Wayne.

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

~~XX~~/We, the undersigned, certify that ~~XXX~~/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

<u>Nicholas P. Cozmas</u>	<u>1101-1105 E. State Blvd</u>	<u>3709 Warsaw St</u>
<u>ELVAN G. WHITELEATHER O.D.</u>	<u>1121 EAST STATE BLVD.</u>	<u>Elvan G. Whiteleather O.D.</u>
<u>LEE D. HARGES</u>	<u>1123 E. STATE BLVD</u>	<u>Lee D. Harges</u>
(Name)	(Address & Zip Code)	(Signature)

(If additional space is needed, use reverse side)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for continuances or requests that ordinances be taken under
advisement shall be filed, in writing, in the office of Community
Development and Planning, by noon on the Wednesday preceding the meeting
of the City Plan Commission at which the ordinance is to be considered.
If the request for a continuance or advisement is filed within the required
time, the matter will not be put on the agenda for the meeting. It
shall be the obligation of the petitioner to notify the same property
owners which the Plan Commission had notified by mail that the hearing
has been postponed or rescheduled and inform them of the time and place
of the meeting at which the ordinance will be considered. All withdrawals
of the ordinances must be made in writing prior to the Plan Commission's
vote on the ordinance. (FILING FEE: \$50.00)

Name and address of the preparer, attorney or agent.

<u>Barrie C. Tremper</u>	<u>214 Inland Bldg. - 46802</u>	<u>423-2574</u>
(Name)	(Address & Zip code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning and
Zoning (CITY PLAN COMMISSION) / Room # 830, City-County Building, One
Main Street / Fort Wayne, Indiana 46802 (Phone: 423-7571)

Applicants, Property owners and preparer shall be notified of the Public
Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoning

Owners of Property

<u>Elmer G. Whitehead</u>	<u>1121 EAST STATE BLVD.</u>	
<u>Earl M. Kimmer</u>	<u>2318 1/2 Crestmont Ave.</u>	
(Name)	(Address & Zip Code)	(Signature)

Handwritten notes in blue ink:
under Kimmer: 2318 1/2 Crestmont Ave.
under Whitehead: 1121 East State Blvd.

City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk



To Mayor Robert E. Armstrong Date 11-2-77
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council - 11-8-77

COPIES TO:

BILL NO. Z-77-08-32

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. C9

Pursuant to the request of the Standing Committee Chairman of Regulations of the Common Council, the presence of Gary Baeten, City Plan, is respectfully requested on November 8, 1977, at 7:00 P.M., Room 128, Common Council Conference Room.

Council is interested in knowing more about the extent of expansion and extent of zoning regarding Lots 1 through 10, in the Kincaid Addition.

Your cooperation will be greatly appreciated.

C. Pullard

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment Ordinance 3-77-08-32

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the rezoning of the
following described property:

Lots # 1 thru # 10, inclusive, in Kincaid Addition, bounded by East State on the
south side, by Kentucky Ave. on the west, and Crescent Avenue on the east.

From "B1B" to "B3B"

EFFECT OF PASSAGE Property is presently zoned "B1B" - Limited Business.
Petitioners are requesting a "B3B" District- General Business.

EFFECT OF NON-PASSAGE Property would remain "B1B"

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____

Regulation



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

November 14, 1977

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of November 18 and November 25, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. Z-77-09-23
Zoning Map Ordinance No. Z-33-77

Bill No. Z-77-08-32
Zoning Map Ordinance No. Z-32-77

Bill No. Z-77-08-31
Zoning Map Ordinance No. Z-31-77

Bill No. G-77-08-35
General Ordinance No. G-42-77
Vacation of subdivision, street and
easement

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 4

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL

Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

86

2

88

COMPUTATION OF CHARGES

88 lines, 1 columns wide equals 88 equivalent lines at .259¢ cents per line

\$ 22.79

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 24.29

PUTTING COST

th of single column 9.9

Size of type 5 1/2 point

number of insertions 2

Size of quad upon which type is cast 5 1/2

provision and penalties of Ch. 89, Acts 1967,

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just no part of the same has been paid.

V. E. Gerken

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

11/18-25/77

Subscribed and sworn to before me this 25th day of November 1977

Notary Public

My commission expires September 28, 1979

Notice is hereby given that on the 8th day of November, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill, NO. Z-77-08-22, Z-32-77 Zoning Map Ordinance, to-wit:

BILL NO. Z-77-08-22
ZONING MAP ORDINANCE
NO. Z-32-77
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. C-1.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That the area described as follows is hereby designated a B 3 B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. C-1, referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots 1 through 10, inclusive, in Kincaid Addition to the City of Fort Wayne.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt, Councilman
Read the third time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarica

Nays: None Date: 11-8-77

Charles W. Westerman
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-32-77 on the 8th day of November 8, 1977.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of November, 1977, at the hour of 11:45 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of November, 1977, at the hour of 10:00 o'clock A.M.E.S.T.

Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Zoning Map Ordinance No. Z-32-77 passed by the Common Council on the 8th day of November, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 10th day of November, 1977 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 10th day of November, 1977.

Charles W. Westerman
City Clerk

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines _____

Head number of lines _____

Body number of lines 86

Tail number of lines 2

Total number of lines in notice 88

COMPUTATION OF CHARGES

88 lines, 1 columns wide equals 88 equivalent lines at .259¢ _____
cents per line \$ 22.79

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM

\$ 24.29

DATA FOR COMPUTING COST

Width of single column 9.9 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date November 25, 1977

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city } of FORT WAYNE, INDIANA
town }

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

11/18-25/77

Subscribed and sworn to before me this 25th day of Nov, 1977

V. E. Gerken
Notary Public

My commission expires September 28, 1979

TACH COPY OF
RTISEMENT HERE

3277 passed by the Common Council on the 8th day of November, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 10th day of November, 1977 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 10th day of November, 1977,
Charles W. Westerman
City Clerk

Common Council of Fort Wayne
(Governmental Unit)

To. JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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COMPUTATION OF CHARGES

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22.79

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Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

24.29

PUTING COST

9.9
of single column 32 ems
Number of insertions 2

Size of type 5 1/2 point

Size of quad upon which type is cast 5 1/2

provision and penalties of Ch. 89, Acts 1967,

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just no part of the same has been paid.

Arvilla DeWald

Title. CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

11/18-25/77

Subscribed and sworn to before me this 25th day of November, 1977

Notary Public

My commission expires September 28, 1979

Notice is hereby given that on the 8th day of November, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. Z-77-06-32, Z-32-77 Zoning Map Ordinance, to-wit:

BILL NO. Z-77-06-32
ZONING MAP ORDINANCE
NO. Z-32-77

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. C-9.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B 3 B District under the terms of Chapter 34, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 3234 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. C-9, referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots 1 through 10, inclusive, in Kincaid Addition to the City of Fort Wayne.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuck, olt, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None
Date: 11-8-77

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-32-77 on the 8th day of November 8, 1977.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckolls
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of November, 1977, at the hour of 11:45 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of November, 1977, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Zoning Map Ordinance No. Z-32-77 passed by the Common Council

on the 8th day of November, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 10th day of November, 1977 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 10th day of November, 1977.

Charles W. Westerman
City Clerk

11-18-25

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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TOTAL AMOUNT OF CLAIM

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DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date November 25, 1977

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
Allen County

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

11/18-25/77

Subscribed and sworn to before me this 25th day of November, 1977

Notary Public

My commission expires September 25, 1979

EACH COPY OF
ADVERTISEMENT HERE